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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,921	12/14/2004	Johannes Hubertus Antonius Brekelmans	NL02 0503 US	8884
65913	7590	03/09/2009		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER CHEN, JUNPENG	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 03/09/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/517,921	<b>Applicant(s)</b> BREKELMANS, JOHANNES HUBERTUS ANTONIUS	
	<b>Examiner</b> JUNPENG CHEN	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment/arguments filed on 11/17/2008. Independent claims 12, 17, 21 and 22 have been amended. Claims 23-30 have been added. Currently, claims 12-30 are pending. **This action is made FINAL.**

### ***Response to Arguments***

2. Applicant's arguments with respect to amended claims 12, 17, 21 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument "Applicant first respectfully submits that the look-up-table is not located outside of the receiver", the Examiner would like to point out that the look-up-table (LUT/Prom) is corresponding to the Memory 11 in the Figure of current Application, and the centralized system by Alpaiwalia is being read as the database outside the receiver.

Regarding Applicant's arguments on newly added claims/limitation, see rejection below.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 13 and 23-30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 13** recites the limitation "said calibration signal" in 3. There is insufficient antecedent basis for this limitation in the claim. Each claims 23, 25-27, 29 and 30 recites similar recitations, therefore, is each rejected for the same reason.

Consider **claims 23, 25 and 26**, each recites a phrase "Uniform Resource Locator (URL) that identifies". However, Applicant fails to clearly define the relationship between the above phrase and the "at least one identifier" or "specific identifier" recited in each of independent claims 12, 21, and 22.

Consider **claim 24**, it recites a phrase "Internet Protocol Address". However, Applicant fails to clearly define the relationship between the above phrase and the "at least one identifier" recited in each of independent claims 17.

Consider **claims 27-30**, each recites a phrase "an identifier". However, Applicant fails to clearly define the relationship between the above phrase and the "at least one identifier" or "specific identifier" recited in each of independent claims 12, 17, 21, and 22.

***Response to Amendments***  
***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 12, 13 and 15-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia et al.** (U.S. PGPub 2004/0051815 A1).

Consider **claim 12**, Badger shows and discloses a receiver comprising a pre-calibrated tuner arranged therein, said tuner being pre-calibrated prior to arrangement in said receiver (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) having at

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least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), wherein said receiver includes means for calibrating said electronically tuned filter by retrieving a calibration signal generated by the pre-calibration of said tuner (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically disclose the tuner being *individually* pre-calibrated prior arrangement and retrieving an *individualized* calibration signal generated by the pre-calibration of said tuner prior to arrangement in said receiver and *specifically* identified by at least one identifier associated with at least one database filed in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said

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receiver (read as the rewritable memory 202 can store different tuner parameters 112 that *matched* with a particular tuner 104 from a source outside of the receiver 200 (since the memory can not store all the parameters for all tuners, the source has to be outside of the receiver), par [0021]-[0022]).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter as needed.

Consider **claim 13, as applied to claim 12 above**, Badger, as modified by Alpaiwalia, furthers discloses a receiver memory located outside the tuner for storing said at least one database field having said calibration signal (read as the updatable memory 202), said tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to the rewritable memory 202, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 15, as applied to claim 13 above**, Badger, as modified by Alpaiwalia, further discloses wherein said calibration signal stored in the database and/or in the receiver memory (read as the rewritable memory 202) comprises a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 16, as applied to claim 15 above**, Badger, as modified by Alpaiwalia, furthers shows and discloses a receiver, characterized in that the tuner

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comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to the rewritable memory 202, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 17**, Badger discloses a tuner (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) comprising at least one pre-calibrated electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner (read as the tuning section 10, Figure 1), wherein said receiver comprises calibration means for retrieving a calibration signal generated by during the pre-calibration of said electronically tuned filter (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the individualized pre-calibration of said electronically tuned filter directly after manufacture of said tuner by at least one identifier for specifically identifying at least one database filed in a database situated outside said receiver for storing at least one individualized calibration signal for calibrating said electronically tuned filter upon arrangement in said receiver.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2),



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wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as the rewritable memory 202 can store different tuner parameters 112 that *matched* with a particular tuner 104 from a source outside of the receiver 200 (since the memory can not store all the parameters for all tuners, the source has to be outside of the receiver), par [0021]-[0022]).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter as needed.

Consider **claim 18, as applied to claim 17 above**, Badger, as modified by Alpaiwalia, furthers discloses a tuner bus for coupling to a receiver memory for receiving said calibration signal stored in said receiver memory (read as the rewritable memory 202).

Consider **claim 19, as applied to claim 18 above**, Badger, as modified by Alpaiwalia, furthers discloses wherein said calibration signal stored in the database and/or in the receiver memory (read as the rewritable memory 202) comprises a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), and wherein the receiver further comprises a digital-to-analog converter for converting the digital

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calibration signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 20, as applied to claim 19 above**, Badger, as modified by Alpaiwalia, furthers shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to the rewritable memory 202) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 21**, Badger a method for electronically tuning at least one pre-calibrated electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10 connects to DAC and combiner units 32, 34 and 36, and the tuning values are predetermined, lines 3-54 of column 2, Fig. 1) in a receiver, wherein said method comprises the steps of generating a calibration signal by pre-calibrating said electronically tuned filter prior to arrangement in said receiver (read as the digital trimming signal from ROM 42 for turning the filter 14 is from bus line 48, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically discloses the individually pre-calibrated electronically tuned filter and associating said individualized calibration signal with a specific identifier of at least one database filed in a database situated outside said receiver, and downloading the individually calibration

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signal from said database for calibrating said electronically tuned filter within said receiver according to the individualized pre-calibration.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as the rewritable memory 202 can store different tuner parameters 112 that *matched* with a particular tuner 104 from a source outside of the receiver 200 (since the memory can not store all the parameters for all tuners, the source has to be outside of the receiver), par [0021]-[0022]).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter as needed.

Consider **claim 22**, Badger discloses a method comprising:

providing tuners that comprise at least one pre-calibrated electronically tunable filter (read as tuner section 10/filter 14 connects to DAC and combiner units 32, 34 and

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36, and the tuning values are predetermined and stored in PROM 42, lines 3-54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose at least one identifier for retrieving a specific calibration signal generated during the individualized pre calibration of said electronically tunable filter from at least one database field in a database situated outside said tuner; and operating the database that comprises the database fields for storing calibration signals for calibrating the electronically tunable filter upon arranging the electronically tunable filter within a receiver according to the individualized pre-calibration.

Nonetheless, Alpaiwalia discloses a receiver comprising a pre-calibrated tuner (read as tuner 104, Figure 2, par [0018]-[0022]) arranged therein, said tuner being individually pre-calibrated prior to arrangement in said receiver (read as tuner parameters for tuner 104 is determined before placing on receiver 200), Figure 2), wherein said receiver includes means (read as Microprocessor 108) for calibrating said electronically tuned filter by retrieving an individualized calibration signal generated by the pre-calibration (read as memory 202 with tuner parameters 112) of said tuner prior to arrangement in said receiver and specifically *identified* by at least one identifier associated with at least one database field in a database outside said receiver storing at least said calibration signal for calibrating said electronically tuned filter with said receiver (read as the rewritable memory 202 can store different tuner parameters 112 that *matched* with a particular tuner 104 from a source outside of the receiver 200 (since

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the memory can not store all the parameters for all tuners, the source has to be outside of the receiver), par [0021]-[0022]).

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Alpaiwalia into the teachings of Badger for the purpose updating the calibrating parameter as needed.

Badger, as modified by Alpaiwalia, discloses the method above but fails to mention a method of “selling”. However, it is examiner’s contention that since the limitations are taught by Badger, the “selling” method in the preamble is taught as well.

**Claims 14 and 23-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia** et al. (U.S. PGPub 2004/0051815 A1), and in further view of **Potrebic** et a. (U.S. Patent 6804824).

Consider **claims 14 and 23-26, as applied to claims 12, 13, 17, 21 and 22 respectively above**, Badger, as modified by Alpaiwalia, discloses the claimed invention above but does not specifically discloses wherein said database is coupled to a network, with said receiver being coupled to said network as in claim 14, wherein said tuner includes a memory comprising a Uniform Resource Locator (URL) that identifies a location of the calibration signal via an input/output of the receiver as in claims 23, 25 and 26, and wherein said tuner includes a memory comprising an Internet Protocol Address identifies a location of the calibration signal for retrieval via an input/output of the receiver as in claim 24.

Nonetheless, in related art, Potrebic discloses that tuner may be used to retrieve the updateable data from the Internet (i.e. IP address and URL as common identifier for Internet network as well-known in the art), col. 3 with lines 1-9, col. 9 with line 49 to col. 10 with line 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Potrebic into the teachings of Badger, which modified by Alpaiwalia, as it is just a matter of design choice.

Badger, as modified by Alpaiwalia and Potrebic, does not specifically disclose the updateable data is tuner calibration data.

However, according to KSR, it is unpatentable if known work in one field of endeavor may prompt variations (*i.e. updateable data like tuner calibration data*) of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art.

**Claims 14 and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger** (U.S. Patent No. 5,678,211) in view of **Alpaiwalia** et al. (U.S. PGPub 2004/0051815 A1), and in further view of **Englmeier** et al. (U.S. Patent 7119834 B2).

Consider **claims 14 and 27-30, as applied to claims 12, 13, 17, 21 and 22 respectively above**, Badger, as modified by Alpaiwalia, discloses the claimed invention and the tuner comprises more than one electronically tuned filter (read as filters 14, 20 and 22,) above but does not specifically discloses wherein said database is coupled to a

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network, with said receiver being coupled to said network as in claim 14, wherein said more than one electronically tuned filter shares an identifier, which the calibration signal comprising a number of parts which indications regarding which parts are specifically associated with individual electronically tuned filters as in claims 27 and 28, and wherein the calibration signal comprises a number of parts with indications regarding which parts are specifically associated with respective individual electronically tuned filter, and wherein a common identifier is shared by more than one of the individual electronically tuned filters as in claims 29 and 30.

Nonetheless, in related art, Englmeier discloses a receiver and calibration system and method, comprising tracking filters operate to provide calibration in responsive to a calibration signal identified by an already established path from a centralized system, the receiver uses the downloaded calibration signal to generates tracking control 1 and tracking control 2 to controls the two different filters in filter network 310, Figure 3, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger, which modified by Alpaiwalia, to design the receiver to obtain tuner calibration parameter from a single source to avoid the receiver has to download the data from multiple sources.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen  
J.C./jc

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618